

REMARKS/ARGUMENTS

In response to the Restriction Requirement dated December 4, 2006, Applicant provisionally elects, *with traverse*, Group I, listed in the Restriction Requirement as readable on Claims 1-12.

The outstanding Restriction Requirement asserts that the method recited in Claims 1-12 is distinct from the apparatus claimed in Claims 13-19 in that the apparatus as claimed can be used to practice another materially different process than the process recited in Claims 1-12. Specifically, the outstanding requirement asserts that the apparatus recited in Claims 13-19 does not require the presence of **plasma** and can perform plasmaless gas phase etching.

Independent Claims 13 and 18 are amended to recite that the apparatus includes a gas supply system for supplying into the chamber a deposit removing gas for removing deposits produced in the chamber and a dummy substrate etching gas capable of **plasma**-etching a dummy substrate during a dry cleaning process. Accordingly, Applicant respectfully submits that independent Claims 13 and 18 are directed to an apparatus used in performing a plasma etching process, and the method claims and apparatus claims should be examined together.

MPEP § 803 states:

If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits, even though they include claims to independent or distinct inventions.

Thus, under MPEP § 803, a restriction is not proper if a search and examination can be made without a serious burden on the Examiner, and the outstanding Restriction Requirement, particularly in light of the present amendments, has not established that examining each of the currently-pending claims together would result in an undue burden.

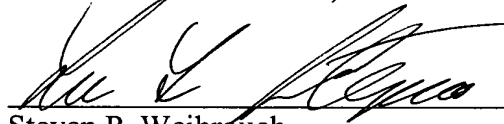
Put differently, the apparatus of Group II is not used for surface modification other than performing the plasma processing method recited in the claims of Group I.

It is believed that the claims of the present application would have to be searched in just two sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicant respectfully traverses the Restriction Requirement on the grounds that a search and examination of the entire application would not place a serious burden on the Examiner, whereas it would be a serious burden on Applicant to prosecute and maintain separate applications.

Thus, Applicant respectfully submits that all of Claims 1-19 should be examined on the merits.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Steven P. Weihrouch
Attorney of Record
Registration No. 32,829

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 03/06)

Lee L. Stepina
Registration No. 56,837